

Serial No. 10/074,384

Filing Date: February 12, 2002

Reply to Office Action Mailed on March 15, 2005

**Remarks**

Claims 48-71 and 82-92 are pending in the present application. Reconsideration of the pending Claims and allowance is respectfully requested in view of the following comments.

**Election Restriction**

Applicant hereby affirms election with traverse of the invention identified as Group II claims 48-71. Applicant's election is with traverse because Applicant respectfully disagrees with the basis for the Restriction Requirement since the restriction for the related inventions of Group I and Group II is improper. If restriction is improper under either the practice applicable to election of species or the practice applicable to related inventions, then restriction should not be required. MPEP 806.05(d)

In the Official Action mailed March 15, 2005, appropriate explanation for the restriction requirement pursuant to MPEP 808.02 has not been shown. In the present restriction requirement, the identified Groups I and II have not been separately classified since both have been classified in class 345, subclass 440. In addition, there is no indication that the identified Groups I and II have a separate status in the art when classifiable together. The office action included no explanation indicating "recognition of separate inventive effort" (MPEP 808.02), nor were patents cited evidencing separate status. Further, in the office action, it was asserted that separate search was required for Group I and for Group II. However, searched and examined independent Claim 59 and dependent Claims 56-58, 60-65, 69-70 all include a description of the focus region that is also described in the Claims associated with Group I. For at least the previously discussed reasons, Applicant respectfully request reconsideration of the Restriction Requirement in the present application.

**Claim Objections**

Claims 48, 50, 51, 53, 55-57, 66, 67, and 69 stand as objected to because of informalities related to the terms "indicia" and "indicium." Claims 48, 50, 51, 53, 55-57, 66, 67, and 69 have been amended to correct these scrivener's errors without narrowing the scope of the claims. Accordingly, Applicant respectfully requests withdrawal of the objections to Claims 48, 50, 51, 53, 55-57, 66, 67, and 69.

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**The 35 U.S.C. 102(e) Claim Rejections**

Pending Claims 48-51, 55, 56, 58, 59, 61-66, 68-69, and 71 stand rejected pursuant to 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,556 to Levin et al. (hereinafter "Levin"). Applicant respectfully traverses these rejections since each and every limitation described in the Claims is not taught by Levin.

**Claims 48-51 and 55, 56, and 58**

The method described in independent Claim 48 has been amended to describe that each of a plurality of data types is a descriptive category that is displayed in one of a plurality of regions, and that each of the regions is defined by region indicia. The method also describes categorizing a plurality of unassociated data elements to be included in the regions based on one of the data types being associated with each of the data elements. The categorization is based on the descriptive category that describes the content or subject matter of the data elements. In addition, the method describes displaying on the display a relationship only between data element indicia positioned in different regions.

In contrast, Levin teaches a display system that provides a graphical representation of search results in the form of Internet addresses of websites. (Fig. 1 and Col. 6 lines 5-8) The search results are web pages that are displayed as nodes in a tree structure corresponding to each respective website on which the web pages were found. (Fig. 1 and Col. 6 lines 8-12) Within each tree structure, the website address is provided as a root node that is interconnected by lines with the various web pages (nodes) of the website that were identified in the search. (Col. 6 lines 12-23)

In the office action it has been asserted that the tree structure and web pages taught by Levin are equivalent to the regions and data elements described in Claim 48. If one assumes for purposes of discussion that this is the case, it is immediately apparent that the nodes in the tree structure taught by Levin are not unassociated data elements that are categorized to be included in regions based on one of the data types being associated with each of the data elements as described in Claim 48. In addition, Levin does not teach that each of the regions is defined by region indicia as described in Claim 48. It is also readily apparent that the nodes in the tree structure taught by Levin are not categorized based on a descriptive category that describes the

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content or subject matter of the data elements, as also described in Claim 48. To the contrary, the web pages in the tree structure of Levin are directly associated within a single website and are included in the tree structure based on the same website address. Clearly, categorization based on a descriptive category that describes the content or subject matter of the nodes is not taught, suggested or disclosed by Levin.

In addition, neither Levin nor any of the other cited prior art teaches displaying on the display a relationship only between data element indicia positioned in different regions as described in Claim 48. Further, Levin fails to teach displaying an indication of a data type of each of the corresponding regions, where each of the data types is a descriptive category as described in Claims 48 and 49. Levin also fails to teach identifying common subject matter between a plurality of data elements as describe in Claim 55. As indicated in the official action, Levin simple identifies links between web pages. Clearly, a web page can be linked to another web page that contains wholly unrelated subject matter, and Levin fails to teach, suggest, or disclose that there is any analysis of the content of such web pages, such as to identify common subject matter between a plurality of data elements, as described in Claim 55.

Amended dependent Claim 56 describes displaying on the display a focus region defined by region indicia that includes only a single first indicium of the data element indicia as a focus indicium. The regions are displayed on the display based on the focus region and the first indicium. Claim 56 also describes displaying on the display a plurality of relationships to other indicia relative to the first indicium. In contrast, Levin teaches that an entire tree structure can be the focus of a display, not a focus region defined by region indicia that includes only a single first indicium displayed as a focus indicium as described in Claim 56. In addition, Levin does not teach displaying only a single first indicium in a central region of the display that is defined by region indicia as provided in amended dependent Claim 58.

For at least the foregoing reasons Levin fails to teach each and every limitation described in Claims 48, 49, 55, 56, and 58. Claims 50-51 depend from independent Claim 48, and therefore Levin also fails to teach each and every limitation of Claims 50-51. Accordingly, withdrawal of the 35 USC § 102(e) rejection of Claims 48-51, 55, 56, and 58 is respectfully requested.

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Claims 59 and 61-65

Claim 59 has been amended to describe a method that includes categorizing a plurality of unassociated data elements to be included in at least one of a plurality of data types. The data elements comprise at least one of a text file, a graphics file or a video file, or combinations thereof, and categorization is based on the content or subject matter included within each of the files. The data types describe the content or subject matter encompassed in the data elements to be categorized therein. Clearly, the website addresses taught by Levin are not data elements that comprise at least one of a text file, a graphics file or a video file, or combinations thereof, and categorization is not based on the content or subject matter included within each of the files as described in Claim 59.

If, for purposes of discussion, one assumes that the data elements and data types of Claim 59 are equivalent to the root node and nodes in the tree structure taught by Levin, as asserted in the office action, it is clear that the nodes in the tree structure of Levin are web pages that are associated by being on the same web site, not unassociated data elements that are categorized to be included in a data type based on the content or subject matter included within each of the files as described in Claim 59. In addition, data types that describe the content or subject matter of the data elements cannot possibly be equivalent to a root node that is a server web address as taught by Levin, since a web address may not be descriptive of anything, and instead may be initials (such as USPTO.gov), a company name (such as Accenture.com), non-descriptive of the subject matter or content (such as howstuffworks.com), or descriptive of content or subject matter that is totally unrelated to the web pages included in the tree structure.

The method of Claim 59 also describes generating a focus region in a display that is defined by region indicia and includes a representation of only one of the data elements and a data type descriptive of the one of the data elements. In addition to the previously discussed lack of descriptiveness of Levin's web server address root node, Levin also fails to teach a focus region defined by region indicia that includes representation of only one of the data elements and a data type descriptive of the one of the data elements as described in Claim 59.

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In contrast, Levin teaches that all web pages on the root node web server that are identified in a search will be included in the tree structure.

Claim 59 also describes indicating in the display a relationship only between individual data elements in different regions. As illustrated in Fig. 1 of Levin, the nodes within each of the tree structures are interconnected with the root node and other nodes to depict the links included in the web pages of one website. If one is to assume, for purposes of discussion, that the nodes taught by Levin are equivalent to the data elements, and that the tree structure is equivalent to a region, as asserted in the office action, it is immediately apparent that Levin's nodes are displayed with relationships to other nodes in the same tree structure. Clearly this is in stark contrast to indicating in a display a relationship only between individual data elements in different regions as described in Claim 59.

For at least the foregoing reasons, Claim 59 is patentably distinct in view of Levin. Dependent Claims 61-65 depend from independent Claim 59 and are therefore also patentably distinct. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection of Claims 59 and 61-65.

#### Claims 66, 68-69, and 71

Amended Claim 66 describes a processor, a display and a memory device that includes instructions executable by the processor to display on the display a plurality of visibly separated regions that are each defined by region indicia. In addition, the memory device includes instructions executable by the processor to categorize a plurality of unassociated data elements to be included in a plurality of regions based on a data type associated with each of the data elements that is indicative of the content encompassed by the respective data elements. Further, the memory device of Claim 66 includes instructions executable by the processor to display on the display a plurality of data element indicia that are positioned in the regions. Each indicium of the data element indicia is representative of a data element that is categorized to be displayed in the corresponding region. The data types are displayable in the respective regions to describe the content or subject matter of the data element categorized to be displayed therein. Claim 66 also provides that the memory device includes instructions executable by the

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processor to display on the display a relationship between only the data element indicia that are positioned in different regions.

As previously discussed, Levin does not teach regions that are each defined by region indicia as described in Claim 66. Levin also does not teach categorization of unassociated data elements as further described in Claim 66. In addition, Levin does not teach data types indicative of the content encompassed by the respective data elements that are displayable in the respective regions to describe the content or subject matter of the data element categorized to be displayed therein as provided in Claim 66. Further, Levin does not teach display on a display of a relationship between only data element indicia that are positioned in different regions as also described in Claim 66.

Amended dependent Claim 69 describes instructions executable by the processor to display on the display a first region defined by region indicia that includes a single first indicium of the data element indicia as a focus indicium. The regions are displayed based on the first indicium, and the first indicium was previously positioned in one of the regions. Dependent Claim 69 also describes instructions executable by the processor to display on the display a plurality of relationships between other data element indicia and the first indicium. Conversely, Levin teaches tree structures that include a plurality of nodes, and therefore does not teach display on a display of a first region defined by region indicia that includes a single first indicium of the data element indicia as a focus indicium as described in Claim 69. In addition, Levin does not teach that the first indicium was previously positioned in one of the regions as further described in Claim 69.

Accordingly, for at least the foregoing reasons, Levin does not teach each and every limitation described in Claims 66 and 69. Dependent Claims 68 and 71 depend from independent Claim 66 and are therefore also patentably distinct in view of Levin. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §102(e) rejection of Claims 66, 68-69, and 71.

**The 35 U.S.C. 103(a) Claim Rejections**

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Claims 57, 60 and 70 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Levin and further in view of U.S. Patent No. 5,619,632 to Lamping et al. (hereinafter "Lamping"). In addition, Claims 52-54 and 67 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Levin and U.S. Publication No. 2002/0007824 to Schurenberg (hereinafter "Schurenberg"). Applicant respectfully traverses these rejections since all of the limitations provided in Claims 52-54, 57, 60, 67 and 70 are not taught, suggested or disclosed by the cite prior art either alone or in combination. Thus, a *prima facie* case of obviousness has not been established.

#### Claims 57, 60 and 70

Amended Claim 57 provides that a second indicium is positioned in a first region with other data element indicia. The method of Claim 57 also includes reconfiguring the regions on the display based on the selection of the second indicium and replacing the first indicium with the second indicium in the focus region of the display. None of the cited prior art references teach, suggest, or disclose an indicium that is positioned in a region with other data element indicia and replaces another indicium in a focus region of a display based on the selection of the indicium as described in Claim 57.

Amended Claim 60 describes selecting one of the data elements that is represented in the focus region from a group of representations of data elements displayed in one of the associated regions. None of the cited prior art either alone or in combination teaches, suggests or discloses selecting a data element represented in a focus region from a group of representations of data elements displayed in one of the associated regions as described in Claim 60.

Amended Claim 70 provides instructions executable by a processor to receive, via a user input device, a selection of a single indicium of the data element indicia as the focus indicium. Selection of a single indicium as a focus indicium as described in Claim 70 is not taught, suggested or disclosed by any of the cited prior art.

For at least the foregoing reasons, the official action has failed to make a *prima facie* case of obviousness with respect to Claims 57, 60 and 70 since each and every limitation of these

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Claims are not taught, suggested or disclosed by any of the cited references. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of Claims 57, 60 and 70.

Claims 52-54 and 67

Amended Claim 52 describes receiving an indication confirming an unverified relationship between indicia that are representative of wholly unique unassociated data elements, and converting the unverified relationship to a relationship representative of a confirmed relationship. Claim 67 provides instructions executable by the processor to receive, via the user input device, confirmation of a selected relationship between individual indicia that is represented as a potential relationship. Claim 67 further provide that each of the individual indicia are representative of wholly unique, otherwise unassociated data elements. In contrast, Schurenberg teaches identification and verification of duplicate patient records not wholly unique otherwise unassociated data elements as described in Claims 52 and 67. In addition, Levin teaches away from Schurenberg by teaching that duplicate matches should be removed from the search. (Levin Col. 8 lines 58-65) Amended Claim 53 describes displaying on the display verified relationships only between indicia in different regions with a first relationship indicia and displaying on the display unverified relationships only between indicia in different regions with a second relationship indicia that is visually different from the first relationship indicia. In contrast, Levin teaches display of cross connections between web pages that includes links to other web pages in the same tree structure.

None of the cited prior art, either alone or in combination teaches, suggests or discloses the limitations described in Claims 52, 53 and 67. Thus, a *prima facie* case of obviousness has not been established for Claims 52, 53 and 67. In addition, Claim 54 depends from Claim 53 and therefore a *prima facie* case of obviousness has not been established for Claim 53 for at least the same reasons. Thus, Applicant respectfully requests withdrawal of the 35 USC § 103(a) rejection of Claims 52-54 and 67.

Conclusion



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The application is believed to now be in condition for allowance, which is respectfully requested. Should the Examiner deem a telephone conference to be beneficial in expediting examination/allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully Submitted,



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